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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,687	09/23/2003	Assad Radpour	1033-T00541	1042
60533 7590 03/05/2008 TOLER LAW GROUP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			EXAMINER PHUONG, DAI	
			ART UNIT 2617	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/668,687	RADPOUR, ASSAD	
	Examiner	Art Unit	
	DAI A. PHUONG	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8, 27-29, 31 and 47-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 27-29, 31 and 47-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 11/28/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 53-60 have been added. Claims 1-3, 5-8, 27-29, 31 and 47-60 are currently pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 54 and 59 recite the limitation "mobile telephony circuitry" in line 2. There is insufficient antecedent basis for this limitation in the claim. It should be corrected as "a mobile telephony circuitry".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-8, 27-29, 31 and 52-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Amos (Pub. No.: 20040259544).

Regarding claim 1, Moore, JR. discloses a mobile communication a device comprising:

Art Unit: 2617

mobile telephony circuitry configured to communicate with a mobile telephony network using a mobile communication protocol (fig. 1, [0029]. Moore, JR. discloses if the handset 10 is outside of the range of the local network 15, data traffic may be routed to and from the handset 10 via the mobile telephone network 30);

a service request module configured to determine proximity to a wireless network base station configured to establish a communication path via the wireless data network protocol (fig. 1, [0029]. Moore, JR. discloses if the handset 10 is within the range of the local network 15, data traffic may be routed to and from the handset 10 via the VoIP telephone network 25),

wherein calls addressed to the mobile communication device via the mobile telephony network are forwarded to the mobile communication device via the wireless network base station (fig. 1, [0029]. Moore, JR. discloses telephone calls may be forwarded from the mobile telephone network 30 to the VoIP telephone network 25 (e.g., through the Public Switched Telephone Network (PSTN) 40 via PSTN gateways 35 and 45) when the handset 10 is within the range of the local network 15), and

a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network base station (fig. 4, [0044]. Moore, JR. discloses a transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided).

Art Unit: 2617

However, Moore, JR. does not disclose a service request module configured to periodically send a session continuation request to the wireless network base station after the communication path is established to maintain the communication path.

In the same field of endeavor, Amos discloses a service request module configured to periodically send a session continuation request to the wireless network base station after the communication path is established to maintain the communication path (fig. 1, [0040]. Amos discloses the wireless handset 100 determines that the signal from the Bluetooth connection 314 has not been lost wherein the Voice-over-Internet-Protocol continues to be transmitted over the Bluetooth connection); and a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network base station ([0033] to [0036]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including a service request module configured to periodically send a session continuation request to the wireless network base station after the communication path is established to maintain the communication path; and a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network base station, as taught by Amos, the motivation being in order to maintain connection while moving between networks.

Art Unit: 2617

Regarding claim 5, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the wireless data network protocol includes an IEEE 802.11-based protocol ([0023]).

Regarding claim 6, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Amos discloses the mobile communication device wherein the wireless data network protocol includes a Bluetooth-based protocol ([0033]).

Regarding claim 7, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the mobile communication protocol is associated with at least one of Global System for Mobile communications (GSM), General Packet Radio Service (OPRS), Universal Mobile Telecommunications System ('UMTS), and CDMA2000/CDMAOne ([0020]).

Regarding claim 8, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the voice communication between the mobile communication device and the wireless network base star/on is communicated as Voice-over-IP using the data packets ([0029] to [0031]).

Regarding claim 27, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Amos discloses the mobile communication device further comprising power circuitry configured to power the service request module when the

Art Unit: 2617

mobile communication device is within range of the wireless network base station ([0041] to [0042]).

Regarding claim 28, the combination of Moore, JR. and Amos disclose all limitation in claim 27. Further, Amos discloses the mobile communication device wherein the power circuitry is configured to power the mobile telephony circuitry when the mobile communication device is out of range of the wireless network base station ([0041] to [0042]).

Regarding claim 29, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network via a modem ([0025]).

Regarding claim 31, the combination of Moore, JR. and Amos disclose all limitation in claim 29. Further, Amos discloses the mobile communication device wherein the modem includes a digital subscriber line (DSL) modem ([0025]).

Regarding claim 52, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Amos discloses the mobile communication device, further comprising power circuitry configured to selectively power the mobile telephone circuitry or the service request module based on the proximity to the wireless network base station ([0040] to [0042]).

Art Unit: 2617

Regarding claim 53, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Amos discloses the mobile communication device wherein the voice conversion module converts between voice communications and Voice over Interact Protocol (VoIP) datapackets, and wherein the wireless network base station gives the VoIP data packets higher priority than other data packets ([0025]).

Regarding claim 54, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 55, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the service request module is adapted to send a call forwarding request message to the wireless network base station to be forwarded to the mobile telephony network when the wireless network base station is a pre-determined wireless network base station ([0029] to [0035]).

Regarding claim 56, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Moore, JR. discloses the mobile communication device wherein the service request module is adapted to send identification data to the wireless network base station after determining that the wireless network base station is a pre-determined wireless network base station ([0029] to [0035]).

Regarding claim 57, this claim is rejected for the same reason as set forth in claim 49.

Regarding claim 58, this claim is rejected for the same reason as set forth in claim 48.

Art Unit: 2617

Regarding claim 59, Moore, JR. discloses mobile communication device comprising:

mobile telephony circuitry configured to communicate with a mobile telephony network using a mobile communication protocol (fig. 1, [0029]. Moore, JR. discloses if the handset 10 is outside of the range of the local network 15, data traffic may be routed to and from the handset 10 via the mobile telephone network 30);

a service request module configured to determine proximity to a wireless network base station, and to establish a communication path via the wireless data network protocol (fig. 1, [0029]. Moore, JR. discloses if the handset 10 is within the range of the local network 15, data traffic may be routed to and from the handset 10 via the VoIP telephone network 25);

a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network base station (fig. 4, [0044]. Moore, JR. discloses a transceiver 130 enabled for communication with the mobile telephone network and the VoIP telephone network is provided).

However, Moore, JR. does not disclose a power supply controller adapted to power down the service request module when the mobile communication device is not in proximity to the wireless network base station,

In the same field of endeavor, Amos discloses a power supply controller adapted to power down the service request module when the mobile communication device is not

Art Unit: 2617

in proximity to the wireless network base station ([0040] to [0042]); and a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network base station ([0033] to [0036]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including a power supply controller adapted to power down the service request module when the mobile communication device is not in proximity to the wireless network base station; and a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network base station, as taught by Amos, the motivation being in order to extend battery life.

Regarding claim 60, the combination of Moore, JR. and Amos disclose all limitation in claim 1. Further, Amos discloses the mobile communication device wherein the power supply controller is manually switchable to selectively control power to the service request module or to the mobile telephony circuitry ([0009]).

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Amos (Pub. No.: 20040259544) and further in view of Akhavan (U.S. 5920815).

Regarding claim 2, the combination of Moore, JR. and Amos disclose all limitation in claim 1. However, Amos the combination of Moore, JR. and Amos do not disclose the mobile communication device wherein the wireless network base station is

Art Unit: 2617

configured to send a call control message to a registration system associated with the mobile telephony network after the mobile communication device initiates establishing the communication path to the wireless network base station.

In an analogous art, Akhavan discloses the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after the mobile communication device initiates establishing the communication path to the wireless network base station (col. 17, lines 45-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including the mobile communication device wherein the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after the mobile communication device initiates establishing the communication path to the wireless network base station, as taught by Akhavan, the motivation being in order to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

Regarding claim 3, the combination of Moore, JR. and Amos and Akhavan disclose all limitation in claim 2. Further, Akhavan discloses the mobile communication device wherein the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated with the wireless network base station (col. 17, lines 45-67).

Art Unit: 2617

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Amos (Pub. No.: 20040259544) and further in view of Akhavan (U.S. 5920815) and further in view of Carr et al. (U.S. 6091948).

Regarding claim 47, the combination of Moore, JR. and Amos disclose all limitation in claim 1. However, Amos the combination of Moore, JR. and Amos do not disclose the mobile communication device wherein when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls.

In an analogous art, Carr et al. disclose the mobile communication device wherein when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls (col. 10, lines 11-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including disclose the mobile communication device wherein when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls, as taught by Carr et al., the motivation being in order to enable a mobile user to control call forwarding options when a user is within range of a local mobile station.

7. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Amos (Pub. No.: 20040259544) and further in view of Byrne (U.S. 6708028).

Art Unit: 2617

Regarding claim 48, the combination of Moore, JR. and Amos disclose all limitation in claim 1. However, Amos the combination of Moore, JR. and Amos do not disclose the mobile communication device wherein a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via rite wireless network base station.

In an analogous art, Byrne discloses the mobile communication device wherein a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via rite wireless network base station (col. 2, lines 34-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including the mobile communication device wherein a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via rite wireless network base station, as taught by Byrne, the motivation being in order to enable a user of the mobile device to choose which system to use.

8. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, JR. (Pub. No.: 20030039242) in view of Amos (Pub. No.: 20040259544) and further in view of Wilhelm (U.S. 6950675).

Regarding claim 49, the combination of Moore, JR. and Amos disclose all limitation in claim 1. However, Amos the combination of Moore, JR. and Amos do not disclose the mobile communication device wherein the service request module is

Art Unit: 2617

configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification.

In an analogous art, Wilhelm discloses the mobile communication device wherein the mobile communication device wherein the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification (col. 7, lines 18-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile handset of Moore, JR. by specifically including the mobile communication device wherein the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification, as taught by Wilhelm, the motivation being in order to enable the mobile device to recognize particular radio systems.

Regarding claim 50, the combination of Moore, JR. and Amos and Wilhelm disclose all limitation in claim 49. Further, Wilhelm discloses the mobile communication device wherein when the wireless network base station is determined to be a pre-selected wireless network base station, establishing the communication path via the wireless data network protocol (col. 7, lines 43-61).

Art Unit: 2617

Regarding claim 51, the combination of Moore, JR. and Amos and Wilhelm disclose all limitation in claim 49. Further, Wilhelm discloses wherein when the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless data network protocol (col. 7, lines 43-61).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
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Date: 02/22/08



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